

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

EISAI INC.,

Plaintiff,

v.

SANOFI-AVENTIS U.S., LLC, et al.,

Defendants.

CIVIL ACTION NO. 08-4168 (MLC)

ORDER & JUDGMENT

For the reasons stated in the Court's Memorandum Opinion dated March 28, 2014, **IT IS** on this 28th day of March, 2014, **ORDERED** that the motion for summary judgment as to liability issues by Defendants, Sanofi-Aventis U.S., LLC and Sanofi-Aventis, U.S., Inc. (collectively "Sanofi") (dkt. entry no. 245) is **GRANTED** as to all claims asserted against Sanofi; and it is further

ORDERED that the motion for summary judgment as to damages issues and/or statute of limitations by Sanofi (dkt. entry no. 246) is **DENIED WITHOUT PREJUDICE AS MOOT**; and it is further

ORDERED that the motion for partial summary judgment by Plaintiff, Eisai Inc. ("Eisai") (dkt. entry no. 261) is **DENIED WITHOUT PREJUDICE AS MOOT**; and it is further

ORDERED that the motion for sanctions by Sanofi (dkt. entry no. 252) is **DENIED WITHOUT PREJUDICE AS MOOT**; and it is further

ORDERED that the motion to exclude the testimony of Nicholas Economides by Sanofi (dkt. entry no. 234) is **DENIED WITHOUT PREJUDICE AS MOOT**; and it is further

ORDERED that the motion to exclude the testimony of Einer Elhauge by Sanofi (dkt. entry no. 236) is **DENIED WITHOUT PREJUDICE AS MOOT**; and it is further

ORDERED that the motion to exclude the testimony of Stephen Fredd by Sanofi (dkt. entry no. 238) is **DENIED WITHOUT PREJUDICE AS MOOT**; and it is further

ORDERED that the motion to exclude the testimony of Tony Casanova, Stephen Melvin, Ronald Sacher, and Sheila Weiss Smith by Sanofi (dkt. entry no. 240) is **DENIED WITHOUT PREJUDICE AS MOOT**; and it is further

ORDERED that the motion to exclude the testimony of Jerry A. Rosenblatt by Sanofi (dkt. entry no. 242) is **DENIED WITHOUT PREJUDICE AS MOOT**; and it is further

ORDERED that the motion to preclude the expert opinion of George P. Sillup by Eisai (dkt. entry no. 255) is **DENIED WITHOUT PREJUDICE AS MOOT**; and it is further

ORDERED that the motion to preclude the expert opinion of Harvey R. Kelly by Eisai (dkt. entry no. 257) is **DENIED WITHOUT PREJUDICE AS MOOT**; and it is further

ORDERED that the motion to preclude the expert opinion of Jerry Hausman by Eisai (dkt. entry no. 259) is **DENIED WITHOUT PREJUDICE AS MOOT**; and it is further

ORDERED that the motion to strike the declaration of Jerry A. Hausman by Eisai (dkt. entry no. 291) is **DENIED WITHOUT PREJUDICE AS MOOT**; and it is further

ADJUDGED that judgment is entered on the 15 U.S.C. § 2 claims for willful and unlawful monopolization and attempted monopolization in contravention of Section 2 of the Sherman Act against Eisai and in favor of Sanofi; and it is further

ADJUDGED that judgment is entered on the 15 U.S.C. § 14 claims for de facto exclusive dealing in violation of Section 3 of the Clayton Act against Eisai and in favor of Sanofi; and it is further

ADJUDGED that judgment is entered on the 15 U.S.C. § 1 claims for unreasonable restraint of trade in violation of Section 1 of the Sherman Act against Eisai and in favor of Sanofi; and it is further

ADJUDGED that judgment is entered on the N.J.S.A. 56:9-3, and 56:9-4 claims for violations of the New Jersey Antitrust Act against Eisai and in favor of Sanofi; and it is further

ORDERED that the Clerk of the Court designate this action
as **CLOSED**.

s/ Mary L. Cooper

MARY L. COOPER
United States District Judge